

DRAFT
ENVIRONMENTAL ASSESSMENT AND
FINDING OF NO SIGNIFICANT IMPACT

POLICY GUIDANCE LETTER (PGL) – VARIANCE FROM VEGETATION
STANDARDS FOR LEVEES AND FLOODWALLS

Purpose and Need

The purpose of this policy guidance letter is to revise the process for requesting variances from the US Army Corps of Engineers (USACE) vegetation standards for levee systems. These revisions will create a more centralized, consistent and clear process for requesting variances. In 2006, the U.S. Army Corps of Engineers (USACE) built upon the activities of its Rehabilitation and Inspection Program to form its Levee Safety Program (LSP) with the mission to assess the integrity and viability of levees and recommend courses of action to make sure that levee systems do not present unacceptable risks to the public, property and environment. USACE subsequently launched a major effort to review and revise policies and procedures associated with levees. The revised process aligns with the LSP goals that make public safety a top priority and assures application of consistent and well-documented approaches.

Background

An environmental assessment is being prepared to assist USACE in planning and decision making with regards to evaluating the variance process. This document discusses the factors considered by USACE during the decision-making process.

Section 202(g) of the Water Resources Development Act (WRDA) of 1996 directed the Secretary of the Army to review and revise, in cooperation with interested stakeholders, current policy guidelines on vegetation management for levees in order to address variations in natural resource needs. Two goals of Section 202(g) were “to provide a coherent and coordinated policy for vegetation management for levees” and “address regional variations in levee management and resource needs.” The resulting policy is reflected in Engineer Regulation (ER) 500-1-1, Emergency Employment of Army and Other Resources, Civil Emergency Management Program, Section 5-22. ER 500-1-1, Section 5-22, provides an opportunity for local sponsors to apply for a variance from vegetation standards for levees active in the USACE Rehabilitation and Inspection Program under the authorities of Public Law 84-99. The USACE standards for vegetation management are contained in Engineer Technical Letter (ETL) 1110-2-571, Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures. Procedures and considerations for granting variances are contained in Engineer Pamphlet (EP)

500-1-1, Emergency Employment of Army and Other Resources, Civil Emergency Management Program – Procedures, Chapter 5. The proposed Policy Guidance Letter revises the variance process in ER 500-1-1 and EP 500-1-1 to align it with the following agency-wide approaches:

- Conducting broader flood risk management planning
- Applying policy and procedures consistently
- Addressing levees on a systems basis
- Utilizing Agency Technical Review (ATR) to ensure quality and credibility
- Documenting technical decisions
- Sharing best practices and lessons learned

Alternatives

We considered two alternatives – no action and revise the variance process. The No Action Alternative would result in continued use of a process not consistent with other revisions within the agency such as establishment of Levee Safety Officers and the Risk Management Center. The preferred alternative would be to revise the existing process to incorporate current agency processes, ensure national consistency, and clarify roles and responsibilities.

Affected Environment

Revisions to the process for requesting a variance apply nationally. However, changing the process for applying for a variance does not itself affect the environment. It is the decisions on specific variance requests that may affect the environment. The environmental effects of each decision on a variance application will be properly evaluated before a final decision is rendered. Evaluating environmental effects and providing environmental compliance, including National Environmental Policy Act (NEPA) and Endangered Species Act compliance, when decisions are made on specific, individual variance applications is appropriate because impacts will be highly dependent upon the nature of the variance requested and because each variance will likely address a number of geographically unique factors, such as the specific flora, fauna and geology of a location. Evaluating environmental impacts at the decision stage of the variance process will allow for a much more detailed understanding of the environmental consequences of the vegetation management standards applied to particular levee systems. Finally, any environmental impact may be dependent upon the levee sponsor's decision whether to participate in the USACE Rehabilitation and Inspection Program.

Environmental Consequences

The no action alternative would not achieve the USACE goal of creating a consistent method for addressing regional differences while protecting public safety. The current procedures have led to inconsistent and decentralized decision making and record keeping.

The preferred alternative is expected to result in a more consistent use of variances while also preserving public safety. By revising the process, USACE will reduce inconsistencies while permitting variations. In addition, the more centralized process will improve record keeping. Evaluating the environmental impacts of determinations of the vegetation management standards that will apply to specific levee systems will allow for the most accurate understanding of those impacts and the greatest range of options for addressing them.

Coordination with Others

A 30-day comment period was announced by public notice by _____ on_____.

Finding of No Significant Impact:

In compliance with the National Environmental Policy Act (NEPA) and its implementing regulations at 40 CFR Parts 1500 – 1508, an Environmental Assessment has been prepared for this policy. The Corps has chosen to prepare NEPA documentation for this Policy Guidance Letter because the Corps recognizes that the PGL establishes a process that may require decisions to be made on applications for vegetation variances that could have an adverse effect on the environment. The environmental review process undertaken for this rule has led me to conclude that the publication of the Policy Guidance Letter will not have a significant effect on the quality of the human environment, and therefore an Environmental Impact Statement is not required by §102(2)(C) of NEPA or its implementing regulations. A copy of this Environmental Assessment with attachments is available from the U.S. Army Corps of Engineers, HQUSACE.

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Literature Cited

- a. Engineer Regulation (ER) 500-1-1, Emergency Employment of Army and Other Resources, Civil Emergency Management Program, Chapter 5, Rehabilitation and Inspection Program, 30 September 2001.
- b. Engineer Pamphlet (EP) 500-1-1, Emergency Employment of Army and Other Resources, Civil Emergency Management Program – Procedures, Chapter 5, The Rehabilitation and Inspection Program, and Appendix E, Regional Variances to Levee Vegetation Standards, 30 September 2001.
- c. Engineer Technical Letter (ETL) 1110-2-571, Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures, 10 April 2009.